IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6964 OF 2005

Santosh Vithoba Khamgaonkar. ... Applicant.
Versus.
The State of Maharashtra. ... Respondent.

Shri S.V.Gavand with Mrs.Shitala S.Gavand for
the Applicant.
Shri K.V.Saste, A.P.P.for the Respondent.

CORAM : ABHAY S. OKA, J.
DATED : 27th October, 2005.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and the learned A.P.P. for the State.

2. The learned Advocate for the Applicant submitted that when the Bail Application was heard, the Applicant was gainfully employed as a teacher in the Zilla Praishad School at Tasgaon and therefore, he made a statement that he will not enter the village Nizampur. He submitted that by order passed on 13th September 2005, the Applicant has been suspended and therefore, the Applicant finds it impossible to maintain two separate establishments as his family members are residing at village Nizampur. He submitted that the Applicant now gets a paltry amount of Rs.500/- per month. He stated that till conclusion of the trial, the Applicant will report to the Nizampur Police Outpost on every day.

3. I have heard the learned A.P.P. appearing for the State. The order of suspension appears to have been

passed on 13th September 2005. In view of this subsequent event and the averments made in paragraphs 9 and 10 of the Application and considering the assurance given by the Advocate for the Applicant, case is made out for modification. It must be noted here that the Advocate for the Applicant stated that the Applicant will not seek modification of the condition that he will attend Nizampur Police Outpost on every day till conclusion of the trial.

4. Hence the following order is passed:

i) Condition No.(ii) in Order dated 12th September 2005 is substituted by the following:

. "The bail is granted subject to condition that the Applicant will report to Nizampur Police outpost every day till conclusion of trial".

ii) Rest of the conditions in the said order stand as it is.

iii) Application stands disposed of.

iv) Parties to act on an authenticated copy of this order.

Judge.